

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

NORMAN L. AGNEW §
VS. § CIVIL ACTION NO. 9:17-CV-110
DETECTIVE JOHNSON, *et al.*, §

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Norman L. Agnew, a former pre-trial detainee confined at the Nacogdoches County Jail, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1093 against the following defendants: City of Nacogdoches Police Department, Nacogdoches Sheriff's Department, the Nacogdoches County Jail, Sheriff Thomas Kersee, Detective Johnson with the Nacogdoches Police Department, Detective Scott Weens with the Nacogdoches Police Department, Jailer Don Barlow, Grand Jury Foreman David Darby and Assistant District Attorney Nicole Lastrocco.¹

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Lufkin, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends granting plaintiff's Motion to Voluntary Dismiss (docket entry no. 71).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge has been filed.²

¹On December 1, 2017, plaintiff's claims against the Nacogdoches Police Department, the Nacogdoches Sheriff's Department, the Nacogdoches County Jail and individual defendants Darby and Lastrocco were dismissed for failure to state a claim and as frivolous (docket entry nos. 22 & 23).

²Plaintiff received a copy of the Report and Recommendation on November 4, 2019 (docket entry no. 72).

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A Final Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

So **ORDERED** and **SIGNED** March 31, 2020.



Ron Clark, Senior District Judge